

FORM TO BE USED BY FEDERAL PRISONERS FOR FILING A PETITION FOR WRIT OF
HABEAS CORPUS UNDER TITLE 28 U.S.C. § 2241

IN THE UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF MASS.

U.S. DISTRICT COURT
DISTRICT OF MASS.

2004 APR 13 P 1:30

CLERK'S OFFICE

EDWIN GUNN

Petitioner

US VS GUNN 96-1055 WGY

7100 - 030 FMC DEVEN

PO BOX 879 AYER MA 01432

(Full name under which you were convicted;
Prison Number; Full Mailing Address).

VS.

CIVIL ACTION NO. _____

WARDEN WYNN

Respondent(s)

04-40053 WGY

MAGISTRATE JUDGE Alexander

(Name of Warden or other authorized person
having custody of Petitioner).

PLEASE COMPLETE THE FOLLOWING. READ THE ENTIRE PETITION BEFORE FILLING IT
OUT. ANSWER THOSE QUESTIONS WHICH PERTAIN TO YOUR TYPE OF CLAIM.

1. This petition concerns: (check appropriate blank)

☐ A conviction

☒ A sentence (CAUTION: If you are attacking a sentence imposed under a Federal Judgment, you
must file a direct motion under 28 U.S.C. § 2255 in the Federal Court which entered the
Judgment).

☐ Jail or prison conditions

☐ Prison discipline issue

☐ A parole problem

☐ Other. State briefly:

ARMED CAREER CRIMINAL

IS NO LONGER APPLICABLE TO MY SITUATION

2. Place of detention:

FMC DEVEN MA

HAVE YOU FILED PREVIOUS PETITIONS FOR HABEAS CORPUS MOTION UNDER TITLE 28 U.S.C. § 2255, OR ANY APPLICATIONS, PETITONS OR MOTIONS WITH RESPECT TO THIS CONVICTION?

 ✓ Yes No

3. If your answer is "yes," give the following information:

a. Name of the Court: US DISTRICT COURT OF MA.

b. Nature of proceeding: ACC

c. Grounds raised: ACC IS NOT APPLICABLE
TO MY SENTENCE.

d. Result: DENIED

e. Date of result: SOMETIME IN "01"

f. Citation or number of any written opinion or order entered pursuant to each such disposition: I
2017 JAMES E. GYRE, JR.

4. If you did not file a motion under section 2255 of Title 28 U.S.C., or if you filed a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

BECAUSE BACK IN 2001 I WAS TIME BARRED
VS OF NEW I CAN FILE A "2255" SEE'S
VS GADSON.

5. Does counsel presently represent you? _____ Yes No

If so, Name address and phone number of counsel: _____

6. Name and location of court, which imposed sentence: US DISTRICT CT
OF MA (HONORABLE CHIEF JUDGE WGY.)

7. Indictment or case number, if known: US VS GUNN 96-10055 WGY.

8. Offense or Offenses for which sentence was imposed: FELONY IN POSSESSION
OF FIREARM.

9. Date upon which sentence was imposed and the term of the sentence: 3/21/96. 18 YRS
5 YRS SR.

10. When was a finding of guilt made? (Check one)

 After a plea of guilty

 After a plea of not guilty

 After a plea of Nolo Contendre

11. If you were found guilty after a plea of not guilty, was that finding made by:

 X A jury

 A judge without a jury

12. Did you appeal the judgment of the conviction or the imposition of a sentence? X Yes No

13. If you did appeal, give the following information for each appeal:

a. Name of court: APP CT OF MA 1ST CIR.

b. Result: DENIED

c. Date of result: 2/8/98

d. Citation or number of opinion: APP CT. 98

e. Grounds raised: (List each one)

INT STATE CONVICTION

NOTE: If you appealed more than once, attach an additional sheet of paper the same size, give all the information requested above in question number 13, a through e. DO NOT WRITE ON BACK OF PAGE.

14. Summarize briefly the facts supporting each ground. If necessary attach a single page behind this page.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

a. Ground one: MY SENTENCE IS UNCONSTITUTIONAL

Supporting Facts: (Tell your story BRIEFLY without citing cases or law. You are CAUTIONED that you must state facts not conclusions, in support of your grounds. E.g., who did exactly what to violate your rights at what time or place).

ACC IS NO LONGER APPLICABLE TO MY SENTENCE.

b. Ground Two:

Supporting Facts:

Ground Three:

Supporting Facts:

Yes _____ No _____

(1) If your answer to "a" above is yes, what was the result? THE WARDEN HAS
TOLD ME HE DOES NOT HANDLE COURT MATTERS

(2) If your answer to "a" above is no, explain:

✓ Yes _____ No _____

(1) If your answer is "yes," state the date such claim was submitted and what action, if any has been taken:

(2) If your claim has not been acted on, attach copies of any correspondence you have received from the Bureau of Prisons or other federal agency concerning you.


c. **STATEMENT OF CLAIM:** State here as briefly as possible the facts of your case. DO NOT give any legal arguments or cite any cases or any statutes. Attach extra pages of the same size to this page if more room is necessary. DO NOT write on the reverse side of this page.

I HAVE BEEN WAITING APPROX. 4 YEARS
TO BE RESSENTENCED.

16. **RELIEF:** state briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

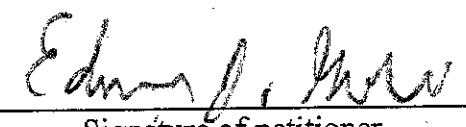
RESENTENCE ME AND PLEASE APPOINT
ME COUNSEL

Signed on this the 8th day of April, 2004.


Signature of petitioner

I DECLARE (OR CERTIFY, VERIFY OR STATE) THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE OR INFORMATION AND BELIEF AND THAT ANY FALSE STATEMENTS MADE THEREIN ARE MADE SUBJECT TO THE PENALTIES OF APPLICABLE LAWS RELATING TO UNSWORN FALSIFICATIONS TO AUTHORITIES.

Executed on: 8th DAY, 2004.


Signature of petitioner

A HANDWRITTEN

TRUE COPY OF

my 28 USC 2241

E. King